

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Douglas Krueger	Ex-Officio Member
Carol Kamper	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ROCHESTER AND)	
THE TOWN OF CASCADE FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF ROCHESTER)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 26, 1979 at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Douglas Krueger and Carol Kamper, ex-officio members of the Board. The City of Rochester appeared by and through Kenneth Moen, the Township of Cascade appeared by and through Stanley Hunter, Chairman of Town Board. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. That a joint resolution for orderly annexation was adopted by the City of Rochester and the Township of Cascade and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Rochester, on June 15, 1979 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

That part of the East One-Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{2}$) of Section Seventeen (17) lying East of the railway right-of-way, in Township One Hundred Seven (107) North, Range Fourteen (14) West, and also the Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16) in Township One Hundred Seven (107) North, Range Fourteen (14) West; and also that part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty (20) in Township One Hundred Seven (107) North, Range Fourteen (14) West, described as follows: Commencing at a point in the East line of said Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty (20), half the distance between the Northeast corner and the Southeast corner thereof, thence North to the Northeast corner thereof, thence West to the railway right-of-way, thence Southwesterly along said right-of-way to a point due West of the place of beginning, thence East to the point of

beginning, and also the North One-Half of the North One-Half of the Northwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$) of Section Twenty-One (21), in Township One Hundred Seven (107) North, Range Fourteen (14) West; subject to pole line easements; and also a part of the East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17), the East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty (20), and the Southwest Quarter of the Northwest Quarter of Section Twenty-One (21), all in Township One Hundred Seven (107) North, Range Fourteen (14) West of the Fifth Principal Meridian, described by metes and bounds as follows: Commencing at the East Quarter corner of said Section Seventeen (17), thence South $88^{\circ}29'01''$ West, 455.33 feet along the North line of said East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17) to the point of beginning, thence continuing South $88^{\circ}29'01''$ West, 107.67 feet along said North line to a point on a 1,382.69 foot radius non-tangent curve whose center bears South $65^{\circ}54'52''$ West, thence Southeasterly along said curve 466.55 feet, central angle $19^{\circ}19'59''$, thence South $04^{\circ}45'09''$ East, 2,181.50 feet to a point on the South line of said East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17), said point being 257.94 feet West of the Southeast corner of Section Seventeen (17), thence continuing South $04^{\circ}45'09''$ East, 1446.04 feet to a point on a 2,914.93 foot radius curve concave Northeasterly, thence Southeasterly along said curve 723.20 feet, central angle $14^{\circ}12'55''$, to a point on the East line of said East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty (20), said point being 474.59 feet North of the East quarter corner of Section Twenty (20), thence continuing southeasterly along said curve 518.01 feet, central angle $10^{\circ}10'55''$ to a point on the South line of said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of Section Twenty-One (21), said point being 208.65 feet East of the West quarter corner of Section Twenty-One (21), thence North $89^{\circ}23'50''$ East, 114.44 feet along said South line to a point on a 2,814.93 foot radius non-tangent curve whose center bears North $59^{\circ}44'14''$ East, thence Northwesterly along said curve 922.19 feet, central angle $18^{\circ}46'14''$ to a point on the East line of said East One-Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty (20), said point being 861.20 feet North of the East quarter corner of said Section Twenty (20), thence continuing Northwesterly along said curve 331.13 feet, central angle $6^{\circ}44'23''$, thence North $04^{\circ}45'09''$ West, 1,440.87 feet to a point on the Southline of said East One-Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17), said point being 157.80 feet West of the Southeast corner of said Section Seventeen (17), thence continuing North $04^{\circ}45'09''$ West, 2,186.66 feet to a point on a 1,482.69 foot radius curve concave southwesterly, thence Northwesterly along said curve 458.97 feet, central angle $17^{\circ}44'10''$ to a point on the North line of said East One-Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17), and the point of beginning, said tract of land previously described as "A part of the East One-Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$), Section Seventeen (17), Township One Hundred Seven (107) North, Range Fourteen (14) West being a strip of land 100 feet wide and being 50 feet in width on each side of the centerline of the main track (now removed) of the Chicago and Northwestern Railway Company, (formerly the Rochester and Northern Railway Company), as said main track was originally located. Also a strip of land 100 feet wide extending across the East One-Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$), Section Twenty (20); and the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$), Section Twenty-One (21), all in Township One Hundred Seven (107) North, Range Fourteen (14) West, said strip of land being 50 feet in width on each side of the center line of the main track (now removed) of the Chicago and Northwestern Railway Company as said main track was originally located and established."; Also the Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16) in Township One Hundred Seven (107) North, Range Fourteen (14) West; and also the North One-Half of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of Section Sixteen (16) in Township One Hundred Seven (107) North, Range Fourteen (14) West, except the parts thereof within the Plat of "TONGEN'S FIRST SUBDIVISION" and "PENNINGTON BUSINESS PARK" and except the part thereof conveyed by deed in Book 330, Page 250, which is on record at the office of the Olmsted County Recorder.

AND

A strip of land 100 feet in width extending from the South line of the Southeast Quarter ($SE\frac{1}{4}$) of Section Seventeen (17), over and across the East One-Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty (20); the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$), and part of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) of Section Twenty-One (21), Township One Hundred Seven (107) North, Range Fourteen (14) West, Olmsted County, Minnesota, lying northerly of

the Northerly line of the Old County State Aid Highway No. 4, as located on August 11, 1972, said strip of land being 50 feet in width on each side of the center line of the main track (now partially removed) of the Wisconsin, Minnesota, and Pacific Railroad Company (later the Chicago Great Western Railway Company, now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said Sections Twenty (20) and Twenty-One (21), excepting therefrom the Westerly Twenty-Five (25) feet of the above described strip of land which lies northerly of the northerly line of the new County State Aid Highway No. 4 (which new County State Aid Highway No. 4 is located north of the old County State Aid Highway No. 4 as located on August 11, 1972), all being in Township One Hundred Seven (107) North, Range Fourteen (14) West, Olmsted County, State of Minnesota.

AND

Beginning at the Southwest corner of the North Half of the Southeast Quarter $N\frac{1}{2} SE\frac{1}{4}$, Section Sixteen (16), Township One Hundred Seven (107), Range Fourteen (14), thence North along the West line thereof 585.55 feet, thence East parallel with the South line of said North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$) 84 feet, thence deflect to the right at an angle of $91^{\circ}04'$ and run southerly to the south line of said North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$), thence West on the South line to the place of beginning.

ALL BEING IN OLMSTED COUNTY, STATE OF MINNESOTA.

EXCEPTING THEREFROM THOSE PARCELS OF THE ABOVE WHICH HAVE BEEN PREVIOUSLY ANNEXED AND ARE DESCRIBED AS FOLLOWS:

A parcel of land being in the Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16), the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty (20) and the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-One (21), all being in Township One Hundred Seven (107) North, Range Fourteen (14) West of the Fifth Principal Meridian, Olmsted County, Minnesota described as follows: Beginning at the Northeast Corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Sixteen (16); thence westerly along the North line of said Southwest Quarter ($SW\frac{1}{4}$) to its intersection with a line parallel with 1211 feet westerly from the East line said Southwest Quarter ($SW\frac{1}{4}$); thence southerly through said Southwest Quarter ($SW\frac{1}{4}$) of said Section Sixteen (16), 1211 feet westerly from said East line of said Southwest Quarter ($SW\frac{1}{4}$) to its intersection with a line which is 800 feet northwesterly from and parallel with a line which begins in the East line of said Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16) at a point 450 feet northerly from the Southeast corner of said Southwest Quarter ($SW\frac{1}{4}$) and ends in the South line of North One-Half of North One-Half of Northwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$) of said Section Twenty-One (21) at a distance of 1700 feet westerly from the Southeast corner of said North One-Half of North One-Half of Northwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$) of Section Twenty-One (21) which line will be hereinafter referred to as "Line A"; thence southwesterly along said line which is 800 feet northwesterly from and parallel with said "Line A" to its intersection with the North line of said Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-One (21); thence westerly along said North line of Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-One (21) and along the North line of Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty (20) to its intersection with the former Chicago and Northwestern Transportation Company westerly right of way line; thence southerly along said westerly Transportation Company right of way line to its intersection with the northerly right of way line of County State Aid Highway 4; thence Easterly along said Northerly right of way line of County State Aid Highway 4 to its intersection with a line parallel with and 200 feet easterly from said westerly Transportation Company right of way line; thence northerly along said line parallel with and 200 feet easterly from said Transportation Company right of way line to its intersection with a line westerly from and at right angles to the East line of Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty (20) at the Southwest corner of said North One-Half of North One-Half of Northwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$) of Section Twenty-One (21); thence easterly to said Southwest corner; thence continue Easterly along said South line of said North One-Half of North One-Half of Northwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$) to its intersection with said "Line A"; thence northeasterly along said "Line A" to its intersection with the East line of said Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16) at a point 450 feet northerly from the Southeast corner of said Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16); thence northerly along the

East line of Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16) to the point of beginning.

Beginning at the Northeast corner of Block One (1) in "Pennington's Business Park" (said line being also the South line of North Half of Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$), and for purposes of this description has an assumed bearing of $90^{\circ} 00' 00''$ West); thence North $90^{\circ} 00' 00''$ West, 158.97 feet; thence Northwesterly 500.00 feet to the Northeast corner of Lot One (1), Block One (1), "Program Park First Subdivision"; thence South $36^{\circ} 16' 35''$ East; 577.36 feet to the point of beginning.

A parcel of land bounded on the West by the easterly right-of-way line of Minnesota Trunk Highway 52; bounded on the South by the North line of "Program Park First Subdivision"; bounded on the East by a prolongation northwesterly of the easterly boundary line of "Program Park First Subdivision", and bounded on the North by the North line of said North One-Half of Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$).

A parcel of land being in the Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16) Township One Hundred Seven (107) North, Range Fourteen (14) West of the Fifth Principal Meridian, Olmsted County, Minnesota, described as follows: Beginning at the Northeast corner of said Northwest Quarter ($NW\frac{1}{4}$), thence westerly along the North line of said Northwest Quarter ($NW\frac{1}{4}$) to its intersection with the line parallel with and 1211 feet westerly from the East line of said Northwest Quarter ($NW\frac{1}{4}$); thence southerly through said Northwest Quarter of ($NW\frac{1}{4}$) of Section Sixteen (16) on said line parallel with and 1211 feet westerly from said East line of the Northwest Quarter ($NW\frac{1}{4}$) to its intersection with the South line of said Northwest Quarter ($NW\frac{1}{4}$); thence Easterly along said South line 1211 feet to the Southeast corner of said Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16); thence Northerly along the East line of said Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16) to the point of beginning. Also a parcel of land bounded on the West by the West line of the North One-Half of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of Section Sixteen (16), Township One Hundred Seven (107) North, Range Fourteen (14) West of the Fifth Principal Meridian, and bounded on the South by the North line of Tongen's Second Subdivision and bounded on the North and East side by the westerly right of way line of Minnesota Trunk Highway 52.

III. Due, timely and adequate legal notice of the hearing was published, served and filed.

IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Rochester.
- B. The total area of the City of Rochester is approximately 17.2 square miles. The total area of the territory subject to annexation is 243.49 acres.
- C. The perimeter of the area to be annexed is approximately 55% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is:
gently rolling cropland; a small creek flows across the northern portion of this property with alluvial soil deposits on either side of the creek in the flood plane.

V. Population Data

A. The City of Rochester:

1. In 1970, there were 53,766 residents.
2. The present estimated population is 59,337.
3. By 2000, the projected population is 85,130.

B. The area subject to annexation:

1. In 1970, there were 0 residents.
2. The present population is 0.

C. The Township of Cascade:

1. In 1976, there were 2,760 residents.
2. By 2000, the projected population is 1,000.

VI. Development Issues

A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

a. In the City of Rochester:

1. Residential: 13,763.9 acres
2. Institutional: 346 acres
3. Commercial: 1,044.6 acres
4. Industrial: 2,245.5 acres
5. Agricultural: 999.4 acres
6. Park and Open Space: 6,374.9 acres

b. In the area subject to annexation: the property is presently zoned:

1. Industrial: 1.12 acres
2. Agricultural: 242.37 acres

c. In the Township of Cascade:

1. Residential: 2,391.9 acres
2. Institutional: 40.3 acres
3. Commercial: 95.1 acres
4. Industrial: 112.6 acres
5. Agricultural: 10,379.8 acres
6. Park and Open Space: 157.2 acres

B. Transportation

1. The present transportation network is:

a. In the City of Rochester: Federal, State, and City Roads

b. In the area subject to annexation: Federal, State, Township and City Roads

2. There are no potential transportation issues.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Rochester:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Capital Improvements Program: yes
- e. Fire Code: yes
- f. Building Inspector: yes
- g. Planning Commission: yes

2. In the Township of Cascade:

- a. Zoning: provided by County
- b. Subdivision Regulations: provided by County
- c. Comprehensive Plan: provided by County
- d. Capital Improvements Program: provided by County
- e. Fire Code: provided by County
- f. Building Inspector: provided by County
- g. Planning Commission: provided by County

3. In the County of Olmsted:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: no
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Governmental Services

A. The Town of Cascade provides the area subject to annexation with the following services:

- 1. Water: no
- 2. Sewer: no
- 3. Fire protection and rating: yes
- 4. Police protection: no
- 5. Street improvements: yes
- 6. Street maintenance: yes
- 7. Recreational: no
- 8. Administrative services: no

B. The City of Rochester provides its residents with the following services:

- 1. Water: yes
- 2. Sewer: yes
- 3. Fire protection and rating: yes
- 4. Police protection: yes
- 5. Street improvements: yes
- 6. Street maintenance: yes
- 7. Recreational: yes
- 8. Administrative services: yes

C. The City of Rochester provides the area subject to annexation with the following services:

- 1. Water: no
- 2. Sewer: no
- 3. Fire protection and rating: by contract with the Township
- 4. Police protection: no
- 5. Street improvements: no
- 6. Street maintenance: no
- 7. Recreational: no
- 8. Administrative services: no

- D. There are no existing or potential environmental problems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extension of sewer and water, police and fire protection
- F. The following services will be available to the annexed area within three years: sewer and water.

VIII. Tax Base

- A. In the City of Rochester, the tax base includes the following:
 - 1. Residential property, commercial property, industrial property, agricultural property, and parks and open space.
- B. In the Township of Cascade, the tax base includes the following:
 - 1. Residential property, commercial property, industrial property, agricultural land and parks and open land.
- C. In the area subject to annexation, the tax base includes the following:
 - 1. Industrial property, and agricultural property.

IX. Tax Data

- A. In the City of Rochester:
 - 1. Mill rate in 1979 is 23.877.
 - 2. Bonded indebtedness in 1978 was \$6,885,000.
- B. In the Township of Cascade:
 - 1. Mill rate in 1979 is 4.679.
 - 2. Bonded indebtedness in 1978 was \$0, 000.
- C. In the area subject to annexation:
 - 1. Mill rate in 1979 is 4.679.
 - 2. Bonded indebtedness in 1978 was 0.
- D. The mill rate in the appropriate governmental units:
 - 1. County in 1979 is 22.869 for the township and 21.263 for the City.
 - 2. School district in 1979 is 58.618.
 - 3. Township in 1979 is 4.679.

X. Annexation to the City of Rochester is the best alternative.

- A. There is no effect on area school districts and on adjacent communities if the area is annexed.
- B. The town government is inadequate to deliver services to the area proposed for annexation that it presently needs, namely sewer and water.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of the Town of Cascade: \$9,964,312

Present assessed valuation of proposed annexation area: \$261,500

New valuation of the Town of Cascade if entire area is annexed: \$9,702,812
- E. Cascade Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint agreement.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation does not conflict with terms of the joint agreement.

VI. Three years will be required to effectively provide full municipal services to the annexed area.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Olmsted, State of Minnesota, be and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally made a part thereof:

That part of the East One-Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17) lying East of the railway right-of-way, in Township One Hundred Seven (107) North, Range Fourteen (14) West, and also the Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16) in Township One Hundred Seven (107) North, Range Fourteen (14) West; and also that part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty (20) in Township One Hundred Seven (107) North, Range Fourteen (14) West, described as follows: Commencing at a point in the East line of said Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty (20), half the distance between the Northeast corner and the Southeast corner thereof, thence North to the Northeast corner thereof, thence West to the railway right-of-way, thence Southwesterly along said right-of-way to a point due West of the place of beginning, thence East to the point of beginning, and also the North One-Half of the North One-Half of the Northwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$) of Section Twenty-One (21), in Township One Hundred Seven (107) North, Range Fourteen (14) West; subject to pole line easements; and also a part of the East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17), the East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Twenty (20), and the Southwest Quarter of the Northwest Quarter of Section Twenty-One (21), all in Township One Hundred Seven (107) North, Range Fourteen (14) West of the Fifth Principal Meridian, described by metes and bounds as follows: Commencing at the East Quarter corner of said Section Seventeen (17), thence South $88^{\circ}29'01''$ West, 455.33 feet along the North line of said East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17) to the point of beginning, thence continuing South $88^{\circ}29'01''$ West, 107.67 feet along said North line to a point on a 1,382.69 foot radius non-tangent curve whose center bears South $65^{\circ}54'52''$ West, thence Southeasterly along said curve 466.55 feet, central angle $19^{\circ}19'59''$, thence

South $04^{\circ}45'09''$ East, 2,181.50 feet to a point on the South line of said East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{2}$) of Section Seventeen (17), said point being 257.94 feet West of the Southeast corner of Section Seventeen (17), thence continuing South $04^{\circ}45'09''$ East, 1446.04 feet to a point on a 2,914.93 foot radius curve concave Northeasterly, thence Southeasterly along said curve 723.20 feet, central angle $14^{\circ}12'55''$, to a point on the East line of said East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{2}$) of Section Twenty (20), said point being 474.59 feet North of the East quarter corner of Section Twenty (20), thence continuing southeasterly along said curve 518.01 feet, central angle $10^{\circ}10'55''$ to a point on the South line of said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{2}NW\frac{1}{2}$) of Section Twenty-One (21), said point being 208.65 feet East of the West quarter corner of Section Twenty-One (21), thence North $89^{\circ}23'50''$ East, 114.44 feet along said South line to a point on a 2,814.93 foot radius non-tangent curve whose center bears North $59^{\circ}44'14''$ East, thence Northwesterly along said curve 922.19 feet, central angle $18^{\circ}46'14''$ to a point on the East line of said East One-Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{2}$) of Section Twenty (20), said point being 861.20 feet North of the East quarter corner of said Section Twenty (20), thence continuing Northwesterly along said curve 331.13 feet, central angle $6^{\circ}44'23''$, thence North $04^{\circ}45'09''$ West, 1,440.87 feet to a point on the Southline of said East One-Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{2}$) of Section Seventeen (17), said point being 157.80 feet West of the Southeast corner of said Section Seventeen (17), thence continuing North $04^{\circ}45'09''$ West, 2,186.66 feet to a point on a 1,482.69 foot radius curve concave southwesterly, thence Northwesterly along said curve 458.97 feet, central angle $17^{\circ}44'10''$ to a point on the North line of said East One-Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{2}$) of Section Seventeen (17), and the point of beginning, said tract of land previously described as "A part of the East One-Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{2}$), Section Seventeen (17), Township One Hundred Seven (107) North, Range Fourteen (14) West being a strip of land 100 feet wide and being 50 feet in width on each side of the centerline of the main track (now removed) of the Chicago and Northwestern Railway Company, (formerly the Rochester and Northern Railway Company), as said main track was originally located. Also a strip of land 100 feet wide extending across the East One-Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{2}$), Section Twenty (20); and the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{2}NW\frac{1}{2}$), Section Twenty-One (21), all in Township One Hundred Seven (107) North, Range Fourteen (14) West, said strip of land being 50 feet in width on each side of the center line of the main track (now removed) of the Chicago and Northwestern Railway Company as said main track was originally located and established."; Also the Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16) in Township One Hundred Seven (107) North, Range Fourteen (14) West; and also the North One-Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{2}$) of Section Sixteen (16) in Township One Hundred Seven (107) North, Range Fourteen (14) West, except the parts thereof within the Plat of "TONGEN'S FIRST SUBDIVISION" and "PENNINGTON BUSINESS PARK" and except the part thereof conveyed by deed in Book 330, Page 250, which is on record at the office of the Olmsted County Recorder.

AND

A strip of land 100 feet in width extending from the South line of the Southeast Quarter ($SE\frac{1}{4}$) of Section Seventeen (17), over and across the East One-Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{2}$) of Section Twenty (20); the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), and part of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section Twenty-One (21), Township One Hundred Seven (107) North, Range Fourteen (14) West, Olmsted County, Minnesota, lying northerly of the Northerly line of the Old County State Aid Highway No. 4, as located on August 11, 1972, said strip of land being 50 feet in width on each side of the center line of the main track (now partially removed) of the Wisconsin, Minnesota, and Pacific Railroad Company (later the Chicago Great Western Railway Company, now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said Sections Twenty (20) and Twenty-One (21), excepting therefrom the Westerly Twenty-Five (25) feet of the above described strip of land which lies northerly of the northerly line of the new County State Aid Highway No. 4 (which new County State Aid Highway No. 4 is located north of the old County State Aid Highway No. 4 as located on August 11, 1972), all being in Township One Hundred Seven (107) North, Range Fourteen (14) West, Olmsted County, State of Minnesota.

AND

Beginning at the Southwest corner of the North Half of the Southeast Quarter $N\frac{1}{2} SE\frac{1}{4}$), Section Sixteen (16), Township One Hundred Seven (107), Range Fourteen (14), thence North along the West line thereof 585.55 feet, thence East parallel with the South line of said North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$) 84 feet, thence deflect to the right at an angle of $91^{\circ}04'$ and run southerly to the south line of said North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$), thence West on the South line to the place of beginning.

ALL BEING IN OLMSTED COUNTY, STATE OF MINNESOTA.

EXCEPTING THEREFROM THOSE PARCELS OF THE ABOVE WHICH HAVE BEEN PREVIOUSLY ANNEXED TO THE CITY OF ROCHESTER.

II. IT IS FURTHER ORDERED: That the mill levy of Rochester on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years.

III. IT IS FURTHER ORDERED: That the effective date of this order is November 20, 1979.

Dated this 20th day of November, 1979

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt

Terrence A. Merritt
Executive Director